IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 16015 of 2007(F)

PETITIONER:

DAVIS K.R., AGED 42,
S/O.KONENGADAN RAPAI, KONENGADAN
HOUSE, P.O.MADAYIKONAM, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS:

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1. THE ADDL.DISTRICT MAGISTRATE, THRISSUR.

2. THE ASST.EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, K.S.E.B.,
KARUVANNOOR, THRISSUR DISTRICT.

3. SANKARAN, S/O.KUNJAN, PORAKKODU HOUSE,
MADAIKKONAM, P.O.MAPRANAM, THRISSUR DISTRICT.

4. OMANA, W/O.SASI, AMBALAPARAMBIL HOUSE,
P.O., MADAIKONAM, MAPRANAM, THRISSUR
DISTRICT.

BY ADV. SMT. M.K.PUSHPALATHA – FOR R1
ADV. SHRI.P.P.THAJUDEEN – SC FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 16015 of 2007

Dated, this the 6th day of June, 2007

J U D G M E N T

Heard learned counsel for the petitioner and the learned Standing Counsel for KSEB. Having regard to the contentions raised and the suggestion of the petitioner, I feel WP(C) can be disposed without notice to the beneficiaries for whom connection is ordered by the ADM over petitioner's property, vide the impugned order. Sketch produced by the KSEB shows that the proposed line from 'A' to 'B' for giving connection to the beneficiaries is over a pathway and in the normal course petitioner cannot have any objection. However, petitioner stated that connection can be given through a shorter route over the property of one Mr. Joy, whose consent petitioner has undertaken to produce before the 2nd respondent. Besides this, petitioner is also liable to pay the differential cost, if any payable for shifting the line from the approved route to the alternate route suggested by the petitioner. In the circumstances, WP(C) is disposed of directing 2nd respondent to examine the feasibility of the line over Mr. Joy's property and if the line is feasible, then he will estimate the cost and if it is above

the cost, that will be incurred for drawing the line in the route approved by the ADM, then he will inform the same to the petitioner. The petitioner within three days from the receipt of the communication from the 2nd respondent produce consent from the land owner and deposit the additional cost so required. In any case, connection should be given to the beneficiaries, complying with the formalities without any delay and in any case within two weeks from today. Petitioner will produce copy of this judgment before the 2nd respondent for compliance. If the route suggested by the petitioner as stated above is not feasible, then petitioner should be given an option to draw underground cable through the pathway approved by ADM, at the cost of the petitioner, and to give connection to the beneficiaries within the time stipulated above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg